

# **NEW MEXICO DISTRICT COURT SELF HELP GUIDE**

**Rev. December 2015**

# NEW MEXICO DISTRICT COURT SELF HELP GUIDE

## Table of Contents

<b>Topic</b>	<b>Page</b>
A. <u>Representing Yourself – Basic Information</u>	<u>3</u>
B. <u>Domestic Violence</u>	<u>9</u>
C. <u>Dissolution of Marriage</u>	<u>13</u>
D. <u>Kinship Guardianship</u>	<u>15</u>
E. <u>Name Change</u>	<u>18</u>
F. <u>Probate</u>	<u>21</u>
G. <u>Appeals</u>	<u>24</u>
H. <u>Resource List</u>	<u>26</u>

## **REPRESENTING YOURSELF – BASIC INFORMATION**

*This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.*

### **WHO THIS GUIDE IS INTENDED TO HELP**

This guide is intended to help individuals who are representing themselves, either as a plaintiff/petitioner or a defendant/respondent in a civil lawsuit or a domestic matter filed in a New Mexico State District Court.

That means this guide is not intended to be used for any other type of court, including Metropolitan Court, Magistrate Court or Municipal Court. It does not have information about appeals from these courts. It is not to be used by defendants in a criminal case.

### **HOW THIS GUIDE IS INTENDED TO HELP YOU**

This guide is intended to be an informative and practical resource guide to understanding the basic practices of the court and the most common procedures encountered by people representing themselves without a lawyer (known as “self-represented litigants” or “pro se litigants”). It **IS NOT** a substitute for legal advice; it will not answer all your questions about what you need to do to represent yourself.

### **A WORD OF WARNING**

Because the law is constantly changing, the court does not guarantee the legal sufficiency of this information guide nor does it guarantee that it meets your specific needs. If you represent yourself in a court case, you are acting as your own lawyer. That means you are expected to know and follow the law and court rules. The potential risks associated with representing yourself are not always obvious. That is why the court encourages anyone who is thinking about representing themselves to talk to a lawyer first.

If you are a tribal member, please be aware that this guide does not address tribal law. Your rights and responsibilities in state court may be different than your rights and responsibilities in tribal court.

### **GETTING HELP**

Court employees are not lawyers and cannot tell you what you should do or how the law applies to your situation. Read more about what court employees can and cannot do at [Rule 23-113 NMRA](#).

Some courts have a resource center where court employees can help you with court procedures. They cannot give you legal advice. Check with your local district court to see what services are available to you.

While some courts offer packets of forms for certain kinds of court cases, there are not forms for every issue. Look for forms on the New Mexico Supreme Court website at <https://nmsupremecourt.nmcourts.gov> or check with your local district court to see what forms they offer. Sometimes you will need a lawyer to create legal documents for you.

To read about free and low-cost legal help, please go to the Resource List section of this guide.

## **ABOUT NEW MEXICO’S LAWS, RULES OF PROCEDURE, LOCAL RULES AND FORMS**

As a person representing yourself, you should be familiar with the laws (called “statutes”), rules, local rules, and forms that govern or must be used in your court case. But, court employees cannot help you with this. New Mexico laws, rules, and forms are referred to using a very specific format. You will see four common formats in this guide.

For New Mexico Laws (Statutes) the format looks like this: Section 40-8-1 NMSA 1978

For New Mexico Rules of Procedure, the format looks like this: Rule 23-112 NMRA

For Local District Court Rules, the format looks like this: LR1-306 NMRA

For New Mexico Supreme Court Approved forms, the format looks like this: Form **4-209** NMRA

For more information about New Mexico’s Laws, Rules, Local Rules, and Forms, contact the New Mexico Supreme Court Law Library by telephone at 505-827-4850, by email at [libref@nmcourts.gov](mailto:libref@nmcourts.gov), by regular mail at P.O. Drawer L, Santa Fe, New Mexico 87504-0848, or visit their website at [supremecourtlawlibrary.org](http://supremecourtlawlibrary.org). If you are viewing the electronic version of this guide, you can click on the number of any statute, rule, or form that is mentioned in this guide to see the text of that statute, rule, or form. You can also get free access to all New Mexico state statutes, rules, and forms on the New Mexico Compilation Commission’s public access website. The New Mexico Compilation Commission is the official legal publisher for the State of New Mexico. Directions for how to find and navigate the Compilation Commission’s public access website can be found at the end of this section of the guide (page 6).

## **STARTING A COURT CASE**

The pleading that starts a court case is called a “complaint.” Depending on the type of case, this first pleading can also be called a “petition” or an “application.”

The court case is started when a complaint is filed with the court. **Filing** a complaint requires a filing fee. Filing fees vary; check with the clerk’s office at your local district court for more information about filing fees. If your income is below a certain level, you may be entitled to a waiver of the filing fee. This is called “free process.” Ask the clerk’s office at your local district court for more information about free process.

Once a court case is started, the plaintiff must “serve” each defendant with a copy of all the court papers they filed.

## **SERVING THE COMPLAINT**

Each defendant must be notified that a lawsuit has been filed against them through a process that is specified under the law. Whether you are trying to serve a person, a business or a governmental agency, this can be a complicated process. Please read [Rule 1-004 NMRA](#) carefully for the steps to follow when serving a complaint.

Even if you can’t find the defendant, you still have to serve them. You may have to ask the court for permission to publish a notice in the newspaper by using New Mexico Supreme Court approved [Forms 4-209](#) and [4-209A NMRA](#). Again, please read [Rule 1-004 NMRA](#) carefully for more details.

One thing is very important – **you** do not serve the defendant; your job is to **arrange** for someone else to serve the complaint for you.

## **ANSWERING A COMPLAINT THAT HAS BEEN FILED AGAINST YOU**

It is important to file an “Answer” to the Complaint within 30 days from the date you are served. The date you are considered served with the Summons is determined by [Rule 1-004 NMRA](#). Otherwise, the plaintiff can ask the court for a judgment against you without you knowing anything is happening.

An “Answer” is a pleading. There are New Mexico Supreme Court approved Answer forms available for divorce and civil cases. Some courts offer a packet with the form used to answer a complaint; check with your local district court for more information.

There is no fee to file an Answer.

## **TALKING DIRECTLY TO A JUDGE, HEARING OFFICER, OR THEIR STAFF**

Communicating with a judge or hearing officer without the opposing party being present is not allowed. This is why a judge or hearing officer cannot read your letters or answer your calls.

The judge’s or hearing officer’s personal staff – the Trial Court Administrative Assistant – can answer questions about scheduling but cannot give legal advice or tell you how a judge will rule on your case.

## **MONITORING THE PROGRESS OR STATUS OF YOUR CASE**

The clerk’s office maintains a computerized “register of actions” for each court case. Every time something happens in your court case, whether you file a pleading, have a court hearing, or the court enters an order, it is added to the register of actions in your case. You can look up the register of actions at any time at [www.nmcourts.gov](http://www.nmcourts.gov). Select “On-Line Case Lookup” and follow the directions.

## **FILING MOTIONS**

Asking the judge to take a specific action in your case requires filing a “motion.” A motion is the pleading you use to tell the judge your problem and to explain what action you want the judge to take. Some courts offer a packet of forms needed to file a motion. Check with your local district court for more information. Additionally, you must send a copy of any motion you file to all other parties (or their lawyer, if they have one). It may also be necessary for you to send a copy of the motion directly to the judge so the judge will know it has been filed. Read the local rules for your district carefully to determine how and when to send the motion to the judge.

## **TRIAL**

You are entitled to a jury trial in many, but not all, types of lawsuits. If you are entitled to a jury trial, you must ask for one in writing and pay a jury fee. Read [Rule 1-038 NMRA](#) for more information about asking for a jury trial.

## **HEARINGS**

How to ask for a Hearing:

- Asking a judge to schedule a hearing requires filing a pleading called a “Request for Hearing.” It is also called a “Request for Setting.”
- There are rules you must follow when you file a Request for Hearing. For example, when you file the request, you also deliver a copy to all other parties (or their lawyer, if they have one). Read more at [Rule 1-005 NMRA](#).

- Some courts require you to provide addressed-stamped envelopes with your request for hearing. Check the Local Rules or with your local district court for more information.
- Always check the Local Rules or with the court to see if you are required to turn in other forms in addition to the Request for Hearing.

#### Rescheduling a Hearing:

- Asking a judge to reschedule a hearing is called asking for a “continuance.” It means continuing the hearing to another date and time.
- Asking a judge for a continuance requires filing a motion. Some courts offer a packet of forms needed to file a motion; some even have a packet specifically designed to ask for a continuance. Check with your local district court for more information.

#### What happens at a hearing:

- At the hearing, each party will have a chance to tell the judge their side of the issue.
- It is important to bring your evidence, witnesses, and anything else that will help you prove your case. Because there are specific rules about presenting your evidence to the judge, you may wish to consult with a lawyer about how to present your case.

#### Helpful hints about hearings:

- **SHOW UP** – it is always important to show up to court. **If you are not in the courtroom when your case is announced, you may lose your case.**
- **BE ON TIME** – plan to be at the courthouse **early**. Remember that you will need to park, clear the security check, and find the courtroom. **If you are not in the courtroom when your case is announced, you may lose your case.**
- **Practice** – go to the court on a day before your hearing. Practice how long it takes you to get to the court, park, and find the courtroom. Go and see what the courtroom looks like. Go to a court hearing to see what happens.
- **How to dress** – dress neat and clean. Each court has a dress code. The judge can order you to be removed from the courtroom if you violate the dress code; **if you are not in the courtroom, you may lose your case.**
- **How to act** – court hearings are not like TV. Be respectful to the judge and to the opposing party at all times.
- **Talking to the judge** – stand when talking to the judge. Call the judge “your Honor.” Speak clearly and loudly enough to be heard. Do not interrupt the judge. Stay calm.
- **Cell phones** – each court has a cell phone policy. Check with your local district court about cell phones.
- **Children** – do not bring children into the courtroom unless the judge has given you permission to do so. Courts do not have a place where children can wait unattended.
- **Take notes** – bring a pad of paper and a pen to the hearing. Write down any orders the judge makes.

## ORDERS AND JUDGMENTS

A “court order or judgment” is the judge’s instructions telling someone what they can or cannot do.

Creating an order or judgment – usually, at the end of a hearing, the judge will say who is to create the court order or judgment. Most courts do not create this paperwork for you. If you are instructed to create the court order or judgment, you may need to hire a lawyer to create one for you.

Enforcing an order – some courts offer a packet of forms needed to ask a judge to enforce a court order. Check with your local district court for more information.

## **IF YOU HAVE A DISABILITY**

If you have a disability and need assistance, notify the court as soon as possible before any hearing or trial.

## **IF YOU NEED AN INTERPRETER**

The court provides an interpreter in any language for free at court hearings or trials.

You are responsible for notifying the court that you need an interpreter, so make sure you reserve an interpreter in advance of any hearing or trial.

Use [Form 4-115 NMRA](#) to **reserve** an interpreter.

If you reserved an interpreter and then find out you don't need one (for example, if a hearing or trial was rescheduled), be sure to **cancel** the interpreter. Use [Form 4-116 NMRA](#) to **cancel** an interpreter.

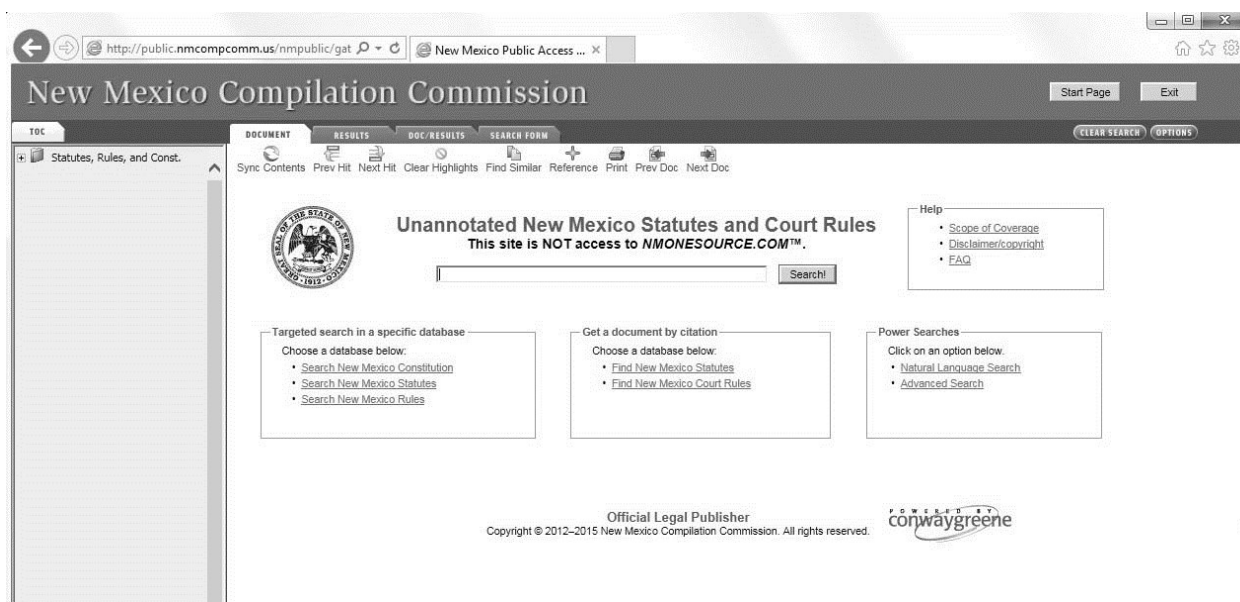


## HOW TO FIND STATUTES, COURT RULES AND FORMS ON THE PUBLIC ACCESS SITE PUBLISHED BY THE NEW MEXICO COMPIATION COMMISSION

The New Mexico Compilation Commission publishes the statutes, court rules and forms online for public use at the public access site located at: <http://public.nmcompcomm.us/nmnxtadmin/NMPublic.aspx>



Select **Desktop** or **Tablet/Smartphone** and click **OK** to enter the public access site.



This is the Start Page where you will begin the retrieval of statutes, court rules and forms. For step-by-step directions from the Start Page, consult the Help section in the upper right hand corner of the Start Page for the “Self Help Guide: How to Find Statutes, Court Rules and Forms.”



# **DOMESTIC VIOLENCE AND THE NEW MEXICO FAMILY VIOLENCE PROTECTION ACT**

*This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.*

**For basic information about representing yourself in District Court, see also the opening section of this Self Help Guide**

In New Mexico, there are several laws that protect someone from domestic violence and domestic abuse. This section is about protection under the New Mexico Family Violence Protection Act. You will find this Act at [Sections 40-13-1 through 40-13-12 NMSA 1978](#).

## **WHAT IS DOMESTIC VIOLENCE?**

In general, domestic violence is abusive behavior by one person to control and dominate another person within a close relationship. It can include physical assault and psychological abuse, as well as other behaviors (like keeping close control of money or your identification documents) that are part of a pattern of asserting power and control over you. It also can include behaviors that cause you to fear for your safety.

The New Mexico Family Violence Protection Act allows a victim of domestic violence to get an “Order of Protection” against the “household member” (see page 2) who committed the “domestic abuse.”

## **DOMESTIC ABUSE + HOUSEHOLD MEMBER = ORDER OF PROTECTION**

“Domestic abuse” includes stalking, sexual assault, actual or threatened physical harm to you or to your children, emotional distress, harassment, and other behaviors. Read more at [Section 40-13-2 NMSA 1978](#).

## **WHAT IS AN ORDER OF PROTECTION?**

It is an enforceable court order that requires the abuser to stop the violence and abuse.

People commonly call it a “restraining order.”

In New Mexico it is called an “Order of Protection.”

## **HOW WILL AN ORDER OF PROTECTION HELP ME?**

It can order the abuser to:

- Stay away from you and your children
- Stop contacting you
- Not have weapons or ammunition
- Move out of your house
- Obey orders about property

The court is also allowed to award:

- Child custody and visitation (temporarily)

Child support (temporarily)  
Spousal support (temporarily)

## **WHO CAN ASK FOR AN ORDER OF PROTECTION?**

Anyone who believes they are a victim of sexual assault or stalking; or

Anyone who believes they experienced domestic abuse from a “household member.” Household member includes:

- A spouse or former spouse,
- A parent, stepparent, or parent in-law,
- A grandparent, or grandparent-in-law,
- A child, stepchild, or grandchild,
- The co-parent of your child or children,
- A person with whom you have a continuing personal relationship (including boyfriend/girlfriend or dating partner).

Read more about household members at [Section 40-13-2 NMSA 1978](#).

## **CAN I ASK FOR AN ORDER OF PROTECTION IF I'M NOT SURE THAT I QUALIFY UNDER THIS ACT?**

Yes, you can always ask for an Order of Protection, but it is up to the judge to decide if it's granted or not.

If you do not think you qualify, talk to a lawyer, law enforcement, or to a local domestic violence organization. There may be other laws that protect you from domestic abuse.

## **CAN I ASK FOR AN ORDER OF PROTECTION IF I AM NOT IN THE U.S. LEGALLY?**

Yes. The New Mexico Family Violence Protection Act protects anyone who is a victim of domestic abuse, regardless of immigration status.

## **HOW DO I ASK FOR AN ORDER OF PROTECTION?**

First, you start a court case by filling out these forms:

[Form 4-961 NMRA](#) – petition for order of protection from domestic abuse and

[Form 4-961A NMRA](#) – service of process information for petition for order of protection from domestic abuse and petition for emergency order protection.

Domestic violence forms are available online for free at <https://nmsupremecourt.nmcourts.gov>. If you do not have a computer, most courts will give you the forms for free.

Take your completed forms to the clerk's office. They will file your petition for free.

## **HOW SOON WILL I GET THE ORDER OF PROTECTION?**

Within one business day, the judge will either approve or deny your petition. When you file your petition, ask the court clerk how they will notify you about the judge's decision.

If approved – the judge issues a **temporary** Order of Protection and schedules a date for everyone to come to the court. This is called a “court hearing.” At the court hearing, the judge decides if the temporary order will become a permanent order.

If denied – the court clerk cannot tell you why the judge denied your petition or what to do about it. You may wish to see a lawyer to help you.

### **HOW WILL THE OTHER PERSON KNOW IF THE JUDGE ISSUES A TEMPORARY ORDER OF PROTECTION?**

The other person must receive a copy of your Petition and a copy of the Temporary Order of Protection. This is called "serving" your court papers. One thing is very important - **you** do not serve these court papers on the other person; your job is to arrange for someone else to do this for you. Check with your local clerk's office. In some districts, the court clerk can help you with this step.

### **HOW WILL THE OTHER PERSON KNOW TO COME TO THE COURT HEARING?**

The date and time of the court hearing is listed in the Temporary Order of Protection.

### **I'VE BEEN ACCUSED OF DOMESTIC VIOLENCE. HOW DO I TALK TO THE JUDGE ABOUT IT?**

You cannot talk to the judge until the court hearing.

If you've received a petition and a temporary Order of Protection, you can fill out and file a response to the petition ([Form 4-962 NMRA](#)). This is how you tell the judge your side of what happened. You can also file a counter-petition ([Form 4-962A NMRA](#)). This is how **you** ask the judge for an Order of Protection against the other person.

Take your completed forms to the clerk's office. They will file your response or petition for free.

### **DO I HAVE TO GO TO THE COURT HEARING?**

Yes.

Petitioner – if you do not go, your order might be canceled.

Respondent – if you do not go, the judge can make the Order of Protection permanent against you. The judge can also issue a warrant for your arrest.

### **CAN I CANCEL OR CHANGE THE ORDER OF PROTECTION?**

Even if you both agree to cancel or change the Order of Protection, only the judge can make that decision. And usually it means another court hearing.

You can ask the judge to cancel or change the order by filling out and filing an Application to Modify, Terminate, or Extend an Order of Protection ([Form 4-968 NMRA](#)). Ask if your local court also needs a “request for hearing” form.

### **CAN I EXTEND THE ORDER OF PROTECTION?**

You can ask the judge to extend the Order of Protection by filling out and filing an Application to Modify, Terminate, or Extend an Order of Protection ([Form 4-968 NMRA](#)). Ask if your local court also needs a request for hearing form.

### **WHAT IF THE ORDER OF PROTECTION IS VIOLATED?**

Call law enforcement if you think you are at risk.

Violating an Order of Protection can have serious consequences; it can be a criminal offense or can change the violator's immigration status.

You can file paperwork to tell the court about the violation. Currently there is not a NM Supreme Court form for this. Ask your local court if they have a form. Also ask if your local court requires a request for hearing form.

### **WHAT IF I DON'T SPEAK ENGLISH?**

When you file your petition, tell the court clerk.

Fill out [Form 4-115 NMRA](#) to reserve an interpreter at the court hearing for free.

# DISSOLUTION OF MARRIAGE

*This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.*

**For basic information about representing yourself in District Court, see also the opening section of this Self Help Guide**

## **WHAT IS “DISSOLUTION OF MARRIAGE?”**

Dissolution of marriage, also called divorce, is the legal process used to end a marriage and make decisions about the division of property and debts, spousal support, child custody, time sharing, visitation, and child support.

## **WHO CAN FILE FOR DIVORCE?**

Either person in the marriage can file for divorce as long as one of the people in the marriage has “resided” in New Mexico for at least 6 months before the divorce petition is filed and has what is known as a “domicile” in New Mexico. Reside doesn't always mean where you live – read more at [Section 40-4-4 NMSA 1978](#). What qualifies as a “domicile” is defined by state statute in [Section 40-4-5 NMSA 1978](#).

## **HOW DO I FILE FOR DIVORCE?**

You start a divorce proceeding by filing a petition in the district court of the county where one of the people in the marriage resides. A divorce proceeding can be a very complicated legal process, and you may wish to talk to a lawyer before trying to do it yourself. If you do decide to file for divorce without a lawyer, New Mexico has approved specific forms that you are required to use. The forms come with specific instructions that should be followed very carefully. The forms are known as the Domestic Relations Forms, and they are divided into three sets of forms based on the stages you usually go through to get a divorce.

The Stage 1 forms are numbered as [Forms 4A-100 through 4A-105 NMRA](#). The Stage 1 forms are used to start the divorce proceeding. There are two forms of a petition that you must choose from depending on whether there are children from the marriage or not. There is also a response form that must be used if you are responding to a divorce petition that has been filed by your spouse. You should carefully read [Form 4A-100 NMRA](#), which provides all of the instructions for using the Stage 1 forms.

The Stage 2 forms are numbered as [Forms 4A-200 through 4A-215 NMRA](#). The Stage 2 forms are generally used for seeking temporary action by the court or for providing information to the court and to your spouse that will be needed to fully prepare the case for final action by the court. You should carefully read [Form 4A-200 NMRA](#), which provides all of the instructions for using the Stage 2 forms.

The Stage 3 forms are numbered as [Forms 4A-300 through 4A-313 NMRA](#). The Stage 3 forms are what you will need to submit to the Court when it is time to finalize the divorce proceeding. Sometimes these forms can be used together with forms from other stages if your divorce proceeding is “uncontested,” which means that you and your spouse have already agreed on all the decisions that will need to be made to finalize your divorce and have both signed the forms. You should carefully read [Form 4A-300 NMRA](#), which provides all of the instructions for using the Stage 3 forms.

## **WHERE DO I GET THE FORMS I NEED TO FILE FOR A DIVORCE?**

You can get paper copies of the Domestic Relations Forms from your local district court for a small fee, or you can download the forms from several New Mexico state government websites for free and print them out yourself. The Supreme Court Law Library can help you find the forms you will need for your divorce. The Law Library can be reached by telephone at (505) 827-4850; by email at [libref@nmcourts.gov](mailto:libref@nmcourts.gov); by mail at P.O. Drawer L, Santa Fe, NM 87504-0848; or you can visit their website at <http://www.supremecourtlawlibrary.org>.

## **WHAT DO I DO IF I AM SERVED WITH A DIVORCE PETITION?**

When you are served with a divorce petition, you have 30 days to file a response. A divorce proceeding can be a very complicated legal process, and you may wish to talk to a lawyer before trying to do it yourself. If you do decide to file a response without a lawyer, there is a specific form that you must use to respond, and it is numbered as [Form 4A-104 NMRA](#). If you do not respond, the court can grant your spouse the divorce and award some or all of what your spouse asked for in the petition.

# KINSHIP GUARDIANSHIP AND THE NEW MEXICO KINSHIP GUARDIANSHIP ACT

*This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.*

**For basic information about representing yourself in District Court, see also the opening section of this Self Help Guide**

In New Mexico, there are several laws that affect guardianship of a child. This section is about guardianship under the New Mexico Kinship Guardianship Act. You will find this Act at [Sections 40-10B-1 through 40-10B-15 NMSA 1978](#). Read more about where to find New Mexico's laws and rules in the Representing Yourself – Basic Information section of this guide.

Since there are other laws that govern the care of a child, you may wish to talk to a lawyer to make sure this is the right procedure for your situation.

## **WHAT IS A KINSHIP GUARDIANSHIP?**

When a parent has left a child in the care of an adult who is not the child's parent, that adult can ask the court to create a legal relationship between them and the child. This is called a kinship guardianship.

A kinship guardianship suspends most of the rights and duties of a child's parents and transfers those rights and duties to another adult, who is called the "legal guardian." There are some things the legal guardian cannot do, like agree to the child's adoption or take over any parental rights or duties that a court orders the parents to keep. Read more at [Section 40-10B-13 NMSA 1978](#).

## **WHO CAN FILE A KINSHIP GUARDIANSHIP CASE?**

An adult can file a kinship guardianship case if they are one of these:

- The child's kinship caregiver – an adult who is not the child's parent and the child has been living with them for at least 90 days immediately before filing the kinship guardianship case. Read more at [Sections 40-10B-3, 40-10B-5 and 40-10B-8 NMSA 1978](#).
- A caregiver who is at least 21 years old, and the child has been living with them for 90 days immediately before filing the kinship guardianship case **and** the child has asked for them to be their legal guardian. This only applies if the child is at least 14 years old. Read more at [Section 40-10B-5 NMSA 1978](#).
- A caregiver that the child's parent has chosen **in writing**. If both parents consent, the child does not have to live with the caregiver for 90 days immediately before filing the kinship guardianship case. Read more at [Section 40-10B-5 NMSA 1978](#).

## **HOW DO I BECOME A KINSHIP GUARDIAN?**

To become a child's legal guardian, you must file a court case for kinship guardianship in the district court where the child lives or where the parent(s) live. Kinship guardianship forms are available on the New Mexico Supreme Court's website at <https://nmsupremecourt.nmcourts.gov> and on many district courts' websites. You can also check with your local district court to see if they offer a packet of forms for kinship guardianship.



## **FORMS USED IN A KINSHIP GUARDIANSHIP COURT CASE**

If you are starting a court case for kinship guardianship, use this form:

- [Form 4-981 NMRA](#) – petition for order appointing kinship guardian

If the parents agree to the kinship guardianship, each parent fills out one of these forms. Pick the form that best fits your situation:

- [Form 4-985 NMRA](#) – parental consent to appointment of guardian and waiver of service of process (paternity admitted)
- [Form 4-986 NMRA](#) – parental consent to appointment of guardian and waiver of service of process (paternity not admitted)

If the parents do not agree to the kinship guardianship, fill out one of these forms for **each** parent:

- [Form 4-982 NMRA](#) – summons kinship guardianship proceedings

Optional – if the child is 14 years old or older, they can fill out this form:

- [Form 4-983 NMRA](#) – nomination of kinship guardian

The judge will need **one** of these forms. Pick the form that best fits your situation:

- [Form 4-988 NMRA](#) – order appointing kinship guardian by consent (paternity admitted)
- [Form 4-989 NMRA](#) – order appointing kinship guardian by consent (paternity not admitted)
- [Form 4-990 NMRA](#) – order appointing kinship guardian without consent of both respondents

Courts also require a form that asks the judge to schedule a court date (called a “hearing”). You will have to provide a request for hearing form and notice of hearing form. Ask your local district court for more information.

## **DO-IT-YOURSELF STEPS:**

Step 1: Fill out the forms – choose the forms that fit your situation.

Step 2: File the forms – take the original and 3 copies of all documents to the clerk’s office for filing. Check with your local district court for the filing fee. You can also ask the court clerk about having the filing fee, or part of the fee waived. The court keeps the originals, stamps the copies and gives them back to you. One copy is for you and one copy is for each parent.

Step 3: Serve your court papers – each parent must receive a copy of your court papers. This is called "serving" your court papers. For more information about serving kinship guardianship papers, read [Sections 40-10B-5 and 45-1-401 NMSA 1978](#). Even if you do not know where to find one or both parents, you still have to serve them your court papers. You may have to ask the court for permission to publish a notice in the newspaper. Please read [Rule 1-004 NMRA](#) carefully for more details.

One thing is very important – **you** do not serve these court papers on each parent; your job is to arrange for someone else to do this for you.

Step 4: Go to your hearing – you will get a notice with your court date in the mail. Bring any documents that support your case. If you have any witnesses, make sure they come.

## **HOW LONG BEFORE I GET A HEARING?**

You should get a hearing on the petition between 30 and 90 days from when you filed the guardianship. If you also request a temporary guardianship, you should have a hearing on that request within 20 days of filing it.

### **I THINK THIS IS AN EMERGENCY – CAN I GET GUARDIANSHIP RIGHT AWAY?**

Under certain circumstances you may be able to file for guardianship on an emergency basis. Once you file for guardianship then you can file for temporary guardianship. The judge may grant the motion for temporary guardianship with or without a hearing. Use all the forms listed in “How Do I Become a Kinship Guardian” plus:

- [Form 4-984 NMRA](#) – motion for appointment of temporary guardian
- [Form 4-987 NMRA](#) – order appointing temporary kinship guardian

### **I’VE BEEN GIVEN A PETITION FOR KINSHIP GUARDIANSHIP – HOW DO I TALK TO THE JUDGE ABOUT IT?**

You can’t talk to the judge until you go to the court hearing but you can file a Response to the Petition within 30 days after service of the Petition. Read more at [Rule 1-012 NMRA](#). Currently, there is no New Mexico Supreme Court approved form available for a response to a kinship guardianship petition. You can answer each paragraph in the petition. Check with your local district court to see if they offer a form.

If you do not file a response within the 30 days, a “Judgment by Default” may be entered against you. Read more at [Rule 1-055 NMRA](#).

### **CAN I CANCEL THE KINSHIP GUARDIANSHIP?**

Canceling the guardianship is called “revoking” the guardianship. You will have to prove to the judge that circumstances have changed and that revoking the guardianship is in the best interests of the child. If you believe that it is time to revoke the guardianship, use this form:

- [Form 4-991 NMRA](#) – motion for revocation of kinship guardianship

Courts may also require a form to ask for a court date (called a “request for hearing”). Check with your local district court.

You must serve your motion on the guardians and other parent. One thing is very important - **you** do not serve these court papers; your job is to arrange for someone else to do this for you.

# NAME CHANGE

*This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.*

**For basic information about representing yourself in District Court, see also the opening section of this Self Help Guide**

In New Mexico, the laws about changing a name are found under “Change of Name” in [Sections 40-8-1 through 40-8-3 NMSA 1978](#).

Currently, there are no New Mexico Supreme Court approved forms for changing your name. Ask if your local district court offers a packet of forms for changing your name.

## **WHAT IS A NAME CHANGE?**

In general, a name change is when someone changes their legal name to a different name.

Changing your name or a child’s name requires a court order.

## **WHO CAN FILE FOR A NAME CHANGE?**

First, the person or the child must be a resident of New Mexico.

If you are “14 years old or older,” you can file for a name change on your own.

If a child is “13 years old or younger,” the child’s parent or legal guardian can file for a name change.

## **I AM 14 YEARS OLD OR OLDER**

## **HOW DO I FILE FOR A NAME CHANGE?**

To get started, you will need at least these forms:

- Petition for Name Change – This is the form that starts the court process
- Notice of Suit – Some courts call this form a “Notice of Suit and Hearing” or a “Notice of Name Change.” In this guide, it is just called a “Notice.” This is a very important form because this is the form the court uses to schedule a court date about your name change. A court date is called a “hearing”
- Order Changing Name – This is the form the judge uses to change your name. You are required to fill it out for the judge

Next, file your name change case:

- Take the original and 1 copy of each form to the clerk’s office at your local district court. Some courts require more than 1 copy; check with your local district court
- Pay the filing fee. Filing fees vary; check with the clerk’s office at your local district court for how much it costs to file your forms. If your income is below a certain level, you may be entitled to a waiver of the filing fee. This is called “free process.” Ask the clerk’s office at your local district court for more information about free process
- The clerk will file your petition. That starts your name change case

## **I AM 14 YEARS OLD OR OLDER**

### **WHAT HAPPENS AFTER I FILE THE PETITION? DO I HAVE TO DO ANYTHING ELSE?**

**YES.** In **any** name change case, the Notice **must** be published.

When you file your petition, some courts will write the court date on the Notice. Others wait and mail the Notice to you. Check with your local district court for their procedure.

When you receive the Notice with the court date, you **must** publish the Notice in a newspaper in the county where you live once a week for 2 weeks in a row. The newspaper will charge for this.

The newspaper will send you proof that it published the Notice.

File that proof at the court.

Then you will be ready to go to the hearing.

At the hearing, the judge will either approve or deny your name change.

## **MY CHILD IS 13 YEARS OLD OR YOUNGER**

### **HOW DO I FILE FOR A NAME CHANGE?**

To get started, you will need at least these forms:

- Petition for Name Change – This is the form that starts the court process
- Consent to Name Change or a Summons – Because the child is under 14 years old, you have to give notice to the child's non-signing parent or guardian. If the non-signing parent or guardian **agrees** to the name change, they can sign a consent form. Otherwise, you **must** arrange delivery of a copy of the Summons and Petition to the non-signing parent or guardian. This delivery is called "service." One thing is very important – **you** do not serve these court papers; your job is to arrange for someone else to do this for you
- Notice of Suit – Some courts call this form a "Notice of Suit and Hearing" or a "Notice of Name Change." In this guide, it is just called a "Notice." This is a very important form; the court uses this form to schedule a court date about your name change. A court date is called a "hearing"
- Order Changing Name – This is the form the judge uses to change your name. You are required to fill it out for the judge

Filing your name change case:

- Take the original and 1 copy of each form to the clerk's office at your local district court. Some courts require more than 1 copy; check with your local district court
- Pay the filing fee. Filing fees vary; check with the clerk's office at your local district court for how much it costs to file your forms. If your income is below a certain level, you may be entitled to a waiver of the filing fee. This is called "free process." Ask the clerk's office at your local district court for more information about free process
- The clerk will file the petition. That starts your child's name change case

## **MY CHILD IS 13 YEARS OLD OR YOUNGER**

### **WHAT HAPPENS AFTER I FILE THE PETITION? DO I HAVE TO DO ANYTHING ELSE?**

**YES.** Because the child is under 14 years old, you have to give notice to the child's non-signing parent or guardian. If the non-signing parent or guardian will not sign a consent form, you **must** arrange delivery of a copy of the Summons and Petition to the non-signing parent or guardian. This delivery is called "service." One thing is very important – **you** do not serve these court papers; your job is to arrange for someone else to do this for you.

**PLUS**, the “Notice” **must** be published.

When you file the petition, some courts will write the court date on the “Notice.” Others wait and mail the “Notice” to you. Check with your local district court for their procedure.

When you receive the “Notice” with the court date, you **must** publish the “Notice” in a newspaper in the county where your child lives once a week for 2 weeks in a row. The newspaper will charge for this.

The newspaper will send you proof that it published the “Notice.”

File that proof at the court.

Then you will be ready to go to the hearing.

At the hearing, the judge will either approve or deny or deny your child’s name change.

### **THE JUDGE APPROVED THE NAME CHANGE. AM I DONE?**

**NO.** You are responsible for notifying the public that you have changed your, or your child’s, name.

Take a stamped copy of the Order for Name Change to the county clerk’s office in the county where you live or where your child lives and ask the clerk to record the order. There may be a fee for this.

If you want your, or your child’s, name changed on the birth certificate, contact the Department of Vital Records in the state where you or your child were born. Some Departments will require special language in your Order for Name Change so it is important to contact them before you go to your hearing and find out what their procedures are.

# PROBATE

*This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.*

For basic information about representing yourself in District Court, see also the opening section of this Self Help Guide

## **WHAT IS PROBATE?**

Probate is the legal process through which a court grants a person the legal authority to handle the legal affairs of a person who has died. **The person who has died is called the “decedent.”**

## **WHEN IS PROBATE NECESSARY?**

Probate is necessary when a person dies leaving property **titled in his/her name** (real estate, bank accounts, vehicles, stocks and bonds, etc.). **This property is called the “decedent’s estate.”**

## **WHEN IS PROBATE NOT NECESSARY?**

Probate is **not** necessary to transfer property that is not “titled,” such as personal items including furniture, jewelry, artwork, and other personal effects.

Probate is **not** necessary if the decedent has arranged for a non-probate transfer of titled property. Examples of non-probate transfers are: real estate held as Joint Tenants, real estate with a recorded Transfer on Death Deed, bank accounts with Payable on Death designations, brokerage accounts with death beneficiary designations, etc.

## **NO PROBATE REQUIRED FOR A “SMALL ESTATE”**

A “small estate” is defined as one where the decedent’s total estate is worth less than \$50,000 **and** does not include any real property (land, a house, a farm, etc.). Read more at [Section 45-3-1201 NMSA 1978](#).

If the decedent’s estate qualifies as a small estate, the decedent’s property can be distributed without probate by using an “Affidavit of Successor in Interest” if:

- At least **30 days** have passed since the decedent’s death; **and**
- No probate has been filed.

The affidavit must be signed by the person entitled to receive the decedent’s property and notarized.

The affidavit can be presented to banks to collect the decedent’s money and other institutions such as the Motor Vehicle Division, to change title to the decedent’s vehicles.

Check with your local Probate Court to find out where to get the forms and instructions to create an Affidavit of Successor in Interest.

## **NO PROBATE REQUIRED TO TRANSFER DECEDENT'S PRIMARY RESIDENCE TO SURVIVING SPOUSE**

The decedent's primary residence can be transferred to the decedent's surviving spouse without probate by using an "Affidavit of Surviving Spouse" (read more at [Section 45-3-1205 NMSA 1978](#)) if:

At least **6 months** have passed since the decedent's death; **and**

No probate has been filed; **and**

The only item required to be transferred from the decedent's estate is the decedent's primary residence; **and**

The decedent and spouse owned the residence as community property **or** the decedent left (by Will) his/her interest in the residence to the spouse; **and**

The full value of the residence, as assessed for property tax purposes, does not exceed \$500,000.

The affidavit must be signed by the surviving spouse and notarized.

The affidavit is then filed with the county clerk in the county in which the residence is located.

Check with your local Probate Court to find out where to get the forms and instructions to create an Affidavit of Surviving Spouse.

### **WHERE AND WHEN TO FILE A PROBATE CASE**

If probate is necessary, the probate case must be filed with the **Probate Court** in the county where the decedent was domiciled (physically living) at the time of his/her death.

**Note:** In some cases, it may be necessary to file the probate case in District Court. The Probate Court will inform you if this is necessary. If this is the case, you may wish to consult an attorney. That situation is beyond the scope of this guide.

Probate Courts are designed to help non-lawyers with probate cases that do not need to be filed in District Court. The current cost to file probate in Probate Court is \$30.

Many Probate Courts have the forms and instructions necessary to file a probate case. The forms are also available online at <https://nmsupremecourt.nmcourts.gov>.

Probate can be filed any time between 5 days and 3 years after the decedent's death.

**Note:** A probate case may be filed after the 3 year period for the limited purpose of transferring title to real property from the decedent's name to the decedent's heirs. Read more at [Section 45-3-108 NMSA 1978](#).

### **FILING A PROBATE CASE WITH A WILL**

If the decedent left a valid Will, the person filing the probate case must submit the **original Will** and a certified copy of the decedent's death certificate to the Probate Court along with the necessary forms.

Instructions for filing a probate case with a Will are contained in probate [Forms 4B-021](#) and [4B-022 NMRA](#). These forms are available online at <https://nmsupremecourt.nmcourts.gov>.

The court will appoint the person(s) designated in the Will as "Personal Representative" ("PR") of the decedent's estate. Another name for the Personal Representative is "Executor."

### **FILING A PROBATE CASE WHERE THERE IS NOT A WILL**



People who die without a Will are said to have died “intestate.” New Mexico has specific “Intestacy Laws” that detail who can be appointed PR of the Estate, who is entitled to the decedent’s property, and the share of the property each person receives.

A spouse has the highest priority for being appointed PR, followed by the decedent’s children. A person who wishes to be appointed PR must have the written consent of all other people with the same or higher priority for appointment.

The person filing the probate must submit a certified copy of the decedent’s death certificate and copies of the written consent of other people with the same or higher priority for appointment, along with the necessary probate forms.

Instructions for filing a probate case without a Will are contained in probate [Forms 4B-011](#) and [4B-012 NMRA](#). These forms are available online at <https://nmsupremecourt.nmcourts.gov>.

### **DUTIES OF THE PERSONAL REPRESENTATIVE**

When the Probate Court appoints a person to be the Personal Representative of the decedent’s estate, the court gives the PR a document called “Letters Testamentary.” If the decedent died without a Will (intestate), the document is called “Letters of Administration.” This document gives the PR the legal authority to transact business on the decedent’s behalf.

The PR is responsible for:

- Notifying all of the heirs of the decedent’s estate;
- Gathering and inventorying the decedent’s assets;
- Identifying and paying the decedent’s debts (to the extent that funds are available in the estate to do so);
- Distributing the decedent’s assets in accordance with the decedent’s Will or the intestacy laws if there is no Will; and
- Closing the probate case by filing a sworn statement with the court stating that the PR’s duties are completed (read more at [Section 45-3-1003 NMSA 1978](#)). The probate case must be open for a minimum of 3 months before it can be closed.

The PR is **not** allowed to use funds from the estate for the PR’s personal benefit. But, the PR is entitled to fair compensation from the estate for the time spent administering the estate (read more at [Section 45-3-719 NMSA 1978](#)). The PR should keep a written record of tasks performed and time spent. The PR may also use estate funds to pay for costs of administering the estate (i.e. postage, filing fees, copies, etc.).

If the decedent’s estate includes real property (land, a house, a farm, etc.), the PR may need to execute a “Personal Representative’s deed” in order to transfer the property out of the decedent’s name. Deeds can be very tricky to properly draft and execute, so you may wish to hire an attorney for this portion of the probate.

## APPEALS FROM DISTRICT COURT

*This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.*

**For basic information about representing yourself in District Court, see also the opening section of this Self Help Guide**

**Caution: This guide does not cover appeals from magistrate, metropolitan or municipal court, which have shorter deadlines than appeals from district court.**

### **WHERE AM I APPEALING FROM AND WHERE SHOULD I APPEAL TO?**

To decide where to appeal, you must first know which court you are trying to appeal **FROM**. If you are trying to appeal **FROM** a decision of the **MAGISTRATE**, **METROPOLITAN**, or **MUNICIPAL COURT**, you will appeal **TO** the district court. If that is your situation, there may be a separate information guide available from your local magistrate, metropolitan, or municipal court.

When you are appealing **FROM** a decision of the **DISTRICT COURT**, depending on the kind of appeal it is, the first document you file to start your appeal will either need to be filed with the district court or directly with the New Mexico Court of Appeals. To figure out whether the first document should be filed in the district court or Court of Appeals, see the "How do I Appeal?" section below. But whether you must file the first document in the district court or Court of Appeals, you will eventually need to file most of your paperwork in the Court of Appeals, which is the court that will decide your appeal.

Keep in mind that the New Mexico Court of Appeals has two offices – one in Albuquerque and one in Santa Fe. You can mail your documents to the Court of Appeals at P.O. Box 25306, Albuquerque, NM, 87125-0306 or P.O. Box 2008, Santa Fe, NM 87504. Or, you can file your documents in person at 2211 Tucker NE Albuquerque, NM or 237 Don Gaspar, Santa Fe, NM. The Court of Appeals can be reached by telephone in Albuquerque at 505-841-4618 or in Santa Fe at 505-827-4946.

### **WHO CAN APPEAL?**

If you think the district court made a mistake when deciding your case, you have the right to appeal the district court's decision. An appeal can be a complicated, time-consuming process, and you may wish to hire an attorney to handle your appeal. If you do not know how to find an attorney, or if you cannot afford an attorney, there are a number of organizations that may be able to help you find an attorney. Some of those organizations are listed in the Resource List section of this guide.

### **WHAT CAN I APPEAL?**

In general, you may only appeal a final, written order or judgment from the court. An order or judgment is considered final for purposes of appeal when it has decided all of the issues in the case and there is nothing left for the court to do. Sometimes it is difficult to know if an order of the court is final for purposes of appeal. If you appeal from an order that is not final and appealable, the appellate court may dismiss your appeal, but you will not lose your right to appeal. Once a final, written order is filed by the trial court, you can file a new appeal with the appellate court.

## **WHEN SHOULD I APPEAL?**

In general, you must file an appeal from the district court within 30 days after the court files the final, written order in the case. In some cases, you may be able to get an extension of time from the district court to file your appeal. It is very important that you file your appeal on time. If you file your appeal late, you may lose your right to appeal forever. Because the deadline for an appeal is so important, you must be sure you understand whether you are trying to appeal a decision **FROM** a lower court **TO** the district court or **FROM** the district court **TO** the Court of Appeals because the time for filing each kind of appeal is different. Please see the section headed “Where Am I Appealing From and Where Should I Appeal To?” for more information.

## **WHY SHOULD I APPEAL?**

The court cannot tell you why you should or should not appeal because that would be giving legal advice. If you disagree with the district court's decision and think the court made a mistake, you can appeal. Before deciding whether to appeal, you may wish to talk to an attorney. But you need to act fast so that you do not lose your right to appeal by failing to start your appeal on time.

## **HOW DO I APPEAL?**

In most cases, you begin an appeal by filing a “notice of appeal” in the district court. In some cases, you begin your appeal by filing what is called a “petition for a writ of certiorari” in the New Mexico Court of Appeals. You may contact the Court of Appeals for these forms or visit the Court of Appeals' website at <https://coa.nmcourts.gov> to download and print the forms yourself.

In general, you use a notice of appeal to appeal a decision of district court that started in the district court, and the notice of appeal is filed with the district court itself. But if your case started in an administrative agency and then was appealed to the district court, you use a petition for a writ of certiorari to appeal the district court's decision, and the petition is filed directly with the Court of Appeals.

If you start your appeal by filing a notice of appeal in the district court, you will then need to write and file a “docketing statement” in the Court of Appeals. The docketing statement is due no later than 30 days after you file the notice of appeal, and you will need to pay the Court of Appeals a docket fee of \$125 unless you ask for and are qualified for a fee waiver. After you file the docketing statement, you must send a copy to the district court clerk's office and work with them to get the record proper prepared and sent to the Court of Appeals. The “record proper” is the term used for an official copy of all the documents that were filed with the district court clerk's office. It will also cost you some money to have the record proper prepared, and the amount will depend on the size of the record proper. The district court clerk will notify you of the cost, which must be paid in 10 days.

After the record proper is filed in the Court of Appeals, the court will begin to consider your appeal. You will then receive notice from the appellate court telling you what you must do next.

# Resource List: Legal Services and Referral Programs

## Civil Legal Service Providers

Civil legal services include consumer, employment and unemployment, family law (child support, custody and visitation, divorce, domestic violence, and guardianships), elder law, housing and landlord-tenant, and public benefits.

### Advocacy Inc.

Advocacy Inc. is a nonprofit agency protecting and promoting the interests of at-risk children and youth in New Mexico by providing low- or no-cost legal advocacy and support services. The agency serves children from birth to 18 years and provides guardianship, adoption, and guardian ad litem services.

6301 Fourth NW Suite 3  
Albuquerque, NM 87107  
866-257-5320  
[www.nmadvocacy.org](http://www.nmadvocacy.org)

### Catholic Charities of Albuquerque and Santa Fe Center for Immigration and Citizenship Legal Assistance

The CICLA is the principal nonprofit provider of immigration legal services in New Mexico. The agency assists U.S. citizens and legal permanent residents in filing legal paperwork with the U.S. Citizenship and Immigration Services to keep families united or reunite families that have been separated. The agency also assists U.S. legal permanent residents to gain U.S. citizenship and refugees to gain U.S. legal permanent resident status.

#### Albuquerque Office

2010 Bridge Ave SW  
Albuquerque, NM 87105  
505-724-4670  
505-247-0442  
[citas@ccasfnm.org](mailto:citas@ccasfnm.org)  
8 a.m.-5 p.m., Mon-Fri

#### Santa Fe Office

4985 Airport Rd  
Santa Fe, NM 87507  
505-424-9789  
[citas.sf@ccasfnm.org](mailto:citas.sf@ccasfnm.org)  
8 a.m.-5 p.m., Wed-Fri

### Catholic Charities of the Diocese of Las Cruces (CCDLC) Legal Services Program

The CCDLC program provides free and low-cost immigration legal services to residents of the ten southern counties of New Mexico  
2215 S Main St., Suite B  
Las Cruces, NM 88005  
575-527-0500  
[www.catholiccharitiesdlc.org](http://www.catholiccharitiesdlc.org)  
9 a.m.-4:30 p.m., Mon-Thurs (closed noon-1 p.m. for lunch)

### Disability Rights New Mexico (DRNM)

DRNM seeks to protect, promote, and expand the legal and civil rights of persons with disabilities throughout New Mexico. Offices are located in Albuquerque, Las Cruces, and Las Vegas.

1720 Louisiana NE Suite 204  
Albuquerque NM 87110  
800-432-4682  
[info@drnm.org](mailto:info@drnm.org)  
8:30 a.m.-5 p.m., Mon-Fri

### DNA-People's Legal Services

PO Box 116  
Crownpoint, NM 87313  
505-786-5277  
800-789-7936

PO Box 306  
Ft. Defiance AZ 86515  
928-871-4151  
800-789-7287

709 N Butler Ave  
Farmington NM 87401  
505-325-8886  
800-789-7997

PO Box 987  
Shiprock NM 87420  
505-368-3200  
800-789-8994  
[www.dnalegalservices.org](http://www.dnalegalservices.org)  
8 a.m.-5 p.m., Mon-Fri at all locations

### Enlace Comunitario

Enlace provides free services to Spanish-speaking immigrants who are victims of domestic violence. Services include direct civil legal services (domestic violence and family law cases, which are accepted in the Albuquerque metropolitan area); case

management; therapy; support groups; parenting classes; and young men's/women's groups.

PO Box 8919  
Albuquerque, NM 87198  
505-246-8972

[www.enlacenm.org](http://www.enlacenm.org)

8 a.m.-5 p.m., Mon-Fri

### Legal Resources for the Elderly Program (LREP)

LREP is a free legal helpline for New Mexico residents age 55 and older. LREP has no income restrictions and offers assistance in most civil legal matters. If a problem cannot be resolved through the helpline, referrals to private attorneys (pro bono, reduced-fee, or full-fee basis) may be provided.

PO Box 92860  
Albuquerque NM 87199-2860  
505-797-6005  
1-800-876-6657  
[www.nmbar.org/Public/LREP](http://www.nmbar.org/Public/LREP)  
8 a.m.-5 p.m., Mon-Fri

### Law Access

Law Access provides statewide legal services to New Mexico households with income of 200 percent or less of federal poverty guidelines. Services include advice/counsel, brief services (including third-party negotiations and some self-represented litigant pleadings) and referrals to other legal services organizations within the state, utilizing an advanced telephone system.

505-998-4529  
800-340-9771  
[www.lawhelpnewmexico.org](http://www.lawhelpnewmexico.org)  
8:30 a.m.-3:45 p.m., Mon-Fri

### Native American Disability Law Center, Inc.

The Native American Disability Law Center is a private nonprofit law firm that provides free legal assistance to Native Americans with disabilities to ensure that they have access to justice and are equal members of their communities. The Law Center uses a coordinated approach of individual representation, systemic advocacy, and community education to address the important issues unique to Native Americans with disabilities.

### Main Office

## Resource List: Legal Services and Referral Programs

3535 E 30 St, Suite 201  
Farmington NM 87402  
505-566-5880  
1-800-862-7271

### **Branch Office**

207 S. Second St.  
Gallup NM 87301  
505-863-7455  
877-283-3208  
505-863-1916 (Fax)

[www.nativedisabilitylaw.org](http://www.nativedisabilitylaw.org)

8 a.m.-6 p.m., Mon-Thur

By appointment during non-office hours.

### **New Mexico Center on Law and Poverty**

The Center is a nonprofit law firm and advocacy group that works statewide with low-income New Mexicans to address structural issues of poverty and justice. Generally, the agency does not represent individual clients.

924 10<sup>th</sup> Street NW

Albuquerque, NM 87102

505-255-2840

[www.nmpovertylaw.org](http://www.nmpovertylaw.org)

9 a.m.-5 p.m., Mon-Fri

### **New Mexico Immigrant Law Center (NMILC)**

The NMILC provides free and low-cost immigration information and legal assistance to low-income families. The agency helps immigrants keep their families together, gain protection from persecution and domestic violence, attain permanent residency and work authorization, and become U.S. citizens. The NMILC builds stable families and increases opportunities for economic security, allowing New Mexico's immigrants to contribute to their communities for generations to come.

PO Box 7040

Albuquerque NM 87194-7040

505-247-1023

[www.nmilc.org](http://www.nmilc.org)

9 a.m.-5 p.m., Mon-Fri

### **New Mexico Legal Aid**

New Mexico Legal Aid is a statewide legal services program that provides free legal services to eligible low-income residents. The agency, with 10 offices throughout New Mexico, provides extended representation, brief services, legal advice, outreach, and community legal education.

Services include domestic violence cases, evictions, foreclosures, public benefits cases (including unemployment benefits and Social Security disability cases), and consumer law cases. The agency does not provide assistance in criminal or juvenile offender cases except for certain limited circumstances in tribal courts.

### **Main Office**

301 Gold SW (87102)

PO Box 25486

Albuquerque NM 87125-5486

505-243-7871

### **Clovis Office**

1012 W Grand (88101)

PO Box 864

Clovis NM 88102

575-769-2326

### **Gallup Office**

211 W Mesa, Suite 5 and 6

PO Box 1475

Gallup NM 87301

505-722-4417

### **Las Cruces Office**

600 E Montana, Suite D

Las Cruces NM 88001-4246

575-541-4800

### **Las Vegas Office**

932 Gallinas St, Suite 109

PO Box 1454

Las Vegas NM 87701

505-425-3514

### **Roswell Office**

200 E Fourth, Suite 2

PO Box 1087

Roswell NM 88202-1087

575-623-9669

### **Native American Program:**

#### **Santa Ana Office**

51 Jemez Pueblo Canyon Dam Rd.,

Suite 102, Santa Ana Pueblo

PO Box 817

Bernalillo NM 87004

505-867-3391

#### **Santa Fe Office**

901 W Alameda, Suite 20 B

PO Box 5175

Santa Fe NM 87502

505-982-9886

### **Silver City Office**

301 W College Ave, Suite 17

Silver City NM 88061

575-388-0091

### **Taos Office**

214C Kit Carson

Taos NM 87571

575-758-2218

New clients may also contact Law Access at 1-800-340-9771 or apply online at [www.nmlegalaid.org](http://www.nmlegalaid.org)

8:30 a.m.-5 p.m., Mon-Fri

### **Pegasus Legal Services for Children**

Pegasus is a private nonprofit agency providing statewide civil legal services to children, youth, and their caregivers, including direct representation, community legal education, and policy advocacy. The agency promotes and defends the rights of children and youth to safe and stable homes and quality education and health care and provides a voice in decisions that affect their lives.

3201 Fourth Street NW

Albuquerque NM 87107

505-244-1101

[www.pegasuslaw.org](http://www.pegasuslaw.org)

8:30 a.m.-5 p.m., Mon-Fri

### **Senior Citizens' Law Office (SCLO)**

SCLO provides free legal services to residents of Bernalillo, Sandoval, Torrance, and Valencia counties who are 60 years of age or older.

4317 Lead Ave SE

Albuquerque, NM 87108

505-265-2300

[www.sclonm.org](http://www.sclonm.org)

8:30 a.m.-5 p.m., Mon-Fri (closed noon-1 p.m. for lunch)

### **Southwest Women's Law Center**

The Southwest Women's Law Center seeks to create the opportunity for women to realize their full economic and personal potential by:

- eliminating gender bias, discrimination and harassment;
- lifting women and their families out of poverty; and
- ensuring that all women have full control over their reproductive lives through access to



## Resource List: Legal Services and Referral Programs

comprehensive reproductive health services and information.

1410 Coal Ave SW  
Albuquerque NM 87104  
505-244-0502

[www.swwomenslaw.com](http://www.swwomenslaw.com)

9 a.m.-5 p.m., Mon-Fri

### United South Broadway (USB)

The USB Fair Lending Center provides free legal representation in foreclosure lawsuits to low-income homeowners statewide. The USB, a HUD-certified housing counseling agency, holds monthly foreclosure pro se workshops and provides free assistance to homeowners seeking loan modifications or other loss mitigation options.

1500 Walter SE  
Albuquerque NM 87102  
505-764-8867

[www.unitedsouthbroadway.org](http://www.unitedsouthbroadway.org)

8 a.m.-5:30 p.m, Mon, Tues, Thurs

8 a.m.- 6 p.m, Wednesday

8 a.m.-noon, Friday

### Homeless Legal Clinics

The State Bar Young Lawyers Division operates the following homeless legal clinics in Albuquerque, Las Cruces, and Santa Fe. Volunteer attorneys staff the clinics, provide legal information and advice, and refer clients to low-income or pro bono legal service programs:

#### Healthcare for the Homeless

1217 First St NW (at Mountain Rd)  
Albuquerque NM 87102  
PO Box 25445 (87125)  
505-766-5197

[www.abqhch.org](http://www.abqhch.org)

9-11 a.m., Fridays

#### Mesilla Valley Community of Hope Shelter

999 W Amador Ave  
Las Cruces NM 88006  
575-523-2219

[www.mvcommunityofhope.org](http://www.mvcommunityofhope.org)

12:30-2:30 p.m., Wednesdays  
(Coordinated by the New Mexico Center on Law and Poverty)

#### St. Elizabeth Shelter Homeless

##### Legal Clinic

**Santa Fe Resource and Opportunity Center**

804 Alarid Street  
Santa Fe NM 87505  
505-982-6611  
[www.steshelter.org](http://www.steshelter.org)  
10 a.m.-1 p.m., Thursdays

### Court Services

Provides some court forms and limited information. An \* indicates the courthouse has self-help services.

#### First Judicial District Court

\*Santa Fe 505-455-8146  
Tierra Amarilla 575-588-0058  
<https://firstdistrictcourt.nmcourts.gov>

#### Second Judicial District Court

\*Albuquerque 505-841-6702  
[seconddistrictcourt.nmcourts.gov](https://seconddistrictcourt.nmcourts.gov)

#### Third Judicial District Court

\*Las Cruces 575-528-8326  
[www.thirddistrictcourt.com](http://www.thirddistrictcourt.com)

#### Fourth Judicial District Court

\*Las Vegas 505-425-7281  
Santa Rosa 575-472-3888  
<https://fourthdistrictcourt.nmcourts.gov>

#### Fifth Judicial District Court

Carlsbad 575-885-4740  
Lovington 575-396-8571  
Roswell 575-622-2565  
<http://fifthdistrictcourt.com>

#### Sixth Judicial District Court

Deming 575-546-9611  
 Lordsburg 575-542-3411  
Silver City 575-538-3250

#### Seventh Judicial District Court

Estancia 505-894-7167  
Socorro 575-835-0050  
Truth or Consequences 575-384-2974

#### Eighth Judicial District Court

Clayton 575-374-9577  
Raton 575-445-5584  
Taos 575-758-3173  
<http://www.eighthjudicialdistrictcourt.com>

#### Ninth Judicial District Court

Clovis 575-742-7500  
Portales 575-359-6920  
[www.nmcourts9thjdc.com](http://www.nmcourts9thjdc.com)

#### Tenth Judicial District Court

Fort Sumner 575-355-2896  
Mosquero 575-673-2252

Tucumcari 575-461-2764

#### Eleventh Judicial District Court

\*Aztec 505-334-6151  
Farmington 505-326-2256  
Gallup 505-863-6816  
<https://11thjdc.nmcourts.gov>

#### Twelfth Judicial District Court

\*Alamogordo 575-437-7310 x147  
Carrizozo 575-648-2432

[www.12thdistrict.net](http://www.12thdistrict.net)

#### Thirteenth Judicial District Court

Bernalillo 505-867-2376  
Grants 505-287-8831  
Los Lunas 505-865-4639  
[www.13districtcourt.com](http://www.13districtcourt.com)

#### Bernalillo County Metropolitan Court

\*Albuquerque 505-841-9817  
[www.metrocourt.state.nm.us](http://www.metrocourt.state.nm.us)

#### New Mexico Supreme Court

Limited forms, court rules, and procedures and statutes  
Santa Fe 505-827-4860  
<https://nmsupremecourt.nmcourts.gov>

#### New Mexico Court of Appeals

Forms, court rules, and procedures and statutes  
Santa Fe 505-827-4925  
Albuquerque 505-841-4618  
<https://coa.nmcourts.gov>

#### United States Bankruptcy Court

Limited forms, court rules and procedures and statutes  
Albuquerque 505-348-2500  
Toll-free 866-291-6805  
[nmb.uscourts.gov](http://nmb.uscourts.gov)

### Attorney Referral

#### Albuquerque Bar Association

Lawyer Referral Service: 30-minute consultation with a private attorney for \$50  
201 3<sup>rd</sup> Street Ste. 500  
Albuquerque, NM 87102  
505-243-2615  
[www.abqbar.org](http://www.abqbar.org)  
9 a.m.-3 p.m, Mon-Fri

## Resource List: Legal Services and Referral Programs

### State Bar General Referral Program

30-minute consultation with a private  
attorney for \$35

PO Box 92860

Albuquerque NM 87199-2860

505-797-6066

800-876-6227 (option 2)

[www.nmbar.org](http://www.nmbar.org)

8 a.m.-5 p.m., Mon-Fri